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PATENT
M.P.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Maurice B. Harding, Jr.
Serial No. : 09/865,928
Filed : May, 24, 2001
Title : OIL DRIP CATCHER

Attorney Docket No.: 501005.01
Group Art Unit : 3682
Examiner : Chong Hwa Kim

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

I, Maurice B. Harding Jr., do hereby declare as follows:

1. I am sole inventor of the above-referenced U.S. Patent Application No. 09/865,928 filed May 24, 2001, claiming priority of U.S. provisional patent application No. 60/207,053 filed May 25, 2000. The above-referenced application claims devices, kits and corresponding methods for capturing leaks from machined joints, especially oil pans.

2. I have reviewed U.S. Patent Publication No. 2001/0010852 A1 to Cotton *et al.* (Cotton), having a publication date of August 2, 2001, a U.S. filing date of July, 22, 1998, and claiming priority to provisional application No. 60/054,250 filed July 30, 1997.

3. I conceived of my invention in the U.S. prior to the July 30, 1997, priority date of Cotton. I completed the invention claimed in at least claims 1, 4-8, 12, 13, 16-19, 22-27, 29, 34, 35, 38-45, and 49-52 by reducing the claimed invention to practice prior to July 30, 1997. More specifically, I prepared a roll of absorbent material attached to a strip of Velcro that was in-turn, attached to another Velcro strip that was glued to a leaky oil pan and tested the same on my private vehicles prior to July, 30, 1997. Various embodiments of the assembly were shown to be functional for their intended purpose, although I was not satisfied that certain performance properties of the invention would be commercially satisfactory.

4. After July 30, 1997, I experimented with improvements of the device made before July 30, 1997 including, without limitation, use of different shapes, materials and glues that might be commercially satisfactory.

5. I was thereafter diligent in conceiving the embodiments of claims 3, 9, 11, 20, 28, and 30-33, and in the constructive reduction to practice thereof by filing the provisional application to May 24, 2000. More specifically, having tested various improvements made before and after July 30, 1997, I continued testing of the same for longevity of use, and began consultation

with at least two different patent counsel regarding preparation of a provisional application. After such consultation, the species embodiments and/or applications thereof recited in dependent claims 3, 9, 11 28, and 30-33 concerning magnetic strips or use on transmission pans were specifically conceived of as alternative mountings and/or particular species of automotive applications where the invention could be used.

6. As evidence of conception and reduction to practice of the claimed invention, I attach herewith as Exhibits A-C, are photographs of test specimens that were made prior to July 30, 1997.

7. As further evidence of actual reduction to practice, I attach herewith as Exhibit D the supplemental declaration of Marion Price, a mechanic doing business in the state of Washington, which establishes that I contacted him regarding obtaining an oil pan for the purpose of configuring a Velcro strip thereon and attaching an absorbent material thereto for testing prior to July, 30, 1997.

8. In conclusion, I conceived of the invention before the priority date of Cotton and was continuously diligent in actual and/or constructive reduction to practice in the period between the prior conception and reduction to practice because the invention was either actually reduced to practice prior to July 30, 1997, or diligently modified for purposes of constructive reduction to practice for filing the provisional application.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing thereon.

January 28, 2003
Date

Maurice B. Harding, Jr.
Maurice B. Harding, Jr.